



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

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CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

October 24, 2012

Agenda Item 2

SUBJECT: Rogers Lot Merger - PA2012-117
3200 Ocean Front W and 105 32nd Street
Lot Merger No. LM2012-001

APPLICANT: Brion Jeannette Architecture

PLANNER: Fern Nueno, Associate Planner
(949) 644-3227 or fnueno@newportbeachca.gov

ZONING DISTRICT/GENERAL PLAN

- **Zone:** R-2 (Two-Unit Residential)
- **General Plan:** RT (Two-Unit Residential)

PROJECT SUMMARY

A lot merger application and a request to waive the parcel map requirement for two properties, under common ownership, located on Balboa Peninsula. The merger would combine the two portions of Lot 1, Block 32 of the Newport Beach Tract into a single lot consistent with the original subdivision.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. ____ approving Lot Merger No. LM2012-001 (Attachment No. ZA 1).

DISCUSSION

- The subject lots are located on the corner of West Ocean Front and 32nd Street (See Attachment No. ZA 2 – Vicinity Map). The combined lot will abut the public beach walk, 32nd Street, and an alley in the rear.

- Each of the two lots is developed with a single-unit dwelling. A maximum of two dwelling units would be allowed on the merged lot; therefore, the existing structures could remain.
- Redevelopment of the site will be required to be consistent with the Zoning Code standards, including parking and setback requirements.
- Section 20.18.030 of the Zoning Code requires a minimum lot width of 60 feet and lot area of 6,000 square feet for R-2 corner lots. The proposed lot merger will create one parcel that will be more consistent with the minimum lot area requirement. The southwesterly lot is 1,250 square feet in area (50 X 25) and the northeasterly lot is 1,000 square feet in area (40 X 25). The combined lot will be 2,250 square feet in area (90 X 25).
- The merger will result in the two lots combining, essentially re-creating the original Lot 1 of Block 32, Newport Beach Tract.
- As demonstrated in the attached draft resolution, the proposed merger meets the requirements of Title 19 (Subdivisions).

ENVIRONMENTAL REVIEW

The project qualifies for an exemption from environmental review pursuant to Section 15305 (Class 5 Minor Alterations in Land Use Limitations) of the Implementing Guidelines of the California Environmental Quality Act (CEQA), which consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

PUBLIC NOTICE

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the hearing date, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

APPEAL PERIOD: An appeal may be filed with the Director of Community Development or City Clerk, as applicable, within ten (10) days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



Fern Nueno, Associate Planner

GBR/fn

Attachments:	ZA 1	Draft Resolution
	ZA 2	Vicinity Map
	ZA 3	Lot Merger Exhibits

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2012-____

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE
CITY OF NEWPORT BEACH APPROVING LOT MERGER NO.
LM2012-001 FOR A LOT MERGER LOCATED AT 3002 WEST
OCEAN FRONT AND 105 32ND STREET (PA2012-117)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brion Jeanette Architecture, with respect to property located at 3002 West Ocean Front and 105 32nd Street, and legally described as the northeasterly 40 feet and the southwesterly 50 feet of Lot 1, Block 32, Newport Beach Tract, requesting approval of a Lot Merger.
2. The applicant proposes a lot merger and requests to waive the parcel map requirement for two properties, under common ownership, located on Balboa Peninsula.
3. The subject properties are located within the Two-Unit Residential (R-2) Zoning District and the General Plan Land Use Element category is Two-Unit Residential (RT).
4. The subject properties are located within the coastal zone and the Coastal Land Use Plan category is Two Unit Residential (RT-E).
5. The design of the development will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
6. Public improvements will be required of the Applicant per the Municipal Code and the Subdivision Map Act.
7. A public hearing was held on October 24, 2012, in the Community Development Conference Room (Building/Trailer I), 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 5 (Minor Alterations in Land Use Limitations).
2. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 19.68.030 and 19.08.030 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

A. Approval of the merger will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City, and further that the proposed lot merger is consistent with the legislative intent of this title.

Facts in Support of Finding:

- A-1. The lot merger to combine two existing legal lots by removing the interior lot line between them will not result in the creation of additional parcels.
- A-2. The two lots were originally one lot when the Newport Beach Tract was developed.
- A-3. The project is in an area with an average slope of less than 20 percent.
- A-4. Redevelopment of the property will require vehicular access from the alley and the curb cuts along 32nd Street will be removed resulting in more on-street parking.
- A-5. The lot merger is consistent with the purpose and intent of Title 19 (Subdivisions). The proposed merger will protect land owners and surrounding residents, and will preserve the public health, safety, and general welfare of the City.

Finding:

B. The lots to be merged are under common fee ownership at the time of the merger.

Facts in Support of Finding:

- B-1. The two lots to be merged are under common fee ownership.

Finding:

C. The lots as merged will be consistent or will be more closely compatible with the applicable zoning regulations and will be consistent with other regulations relating to the subject property including, but not limited to, the General Plan and any applicable Coastal Plan or Specific Plan.

Facts in Support of Finding:

- C-1. The merged lot will retain the Two-Unit Residential zoning designation, consistent with the surrounding area. The R-2 Zoning District is intended to provide for areas appropriate for a maximum of two residential dwelling units located on a single lot.
- C-2. Each lot is developed with a single-unit dwelling and the merged lot with two dwelling units will not exceed the maximum number of dwelling units allowed in the R-2 Zoning District.
- C-3. Section 20.18.030 of the Zoning Code requires a minimum lot area of 6,000 square feet for R-2 corner lots. The proposed lot merger will create one 2,250 square foot lot that will be more consistent with the minimum lot area requirement.
- C-4. The required setbacks for the merged lot will be more consistent with the setbacks required for the surrounding development.
- C-5. The Land Use Element of the General Plan designates the subject site as Two-Unit Residential (RT), which applies to a range of two family residential dwelling units. The Coastal Land Use Plan designates this site as Two-Unit Residential (RT-E) which provides for density ranges from 30.0-39.9 dwelling units per acre. The land use will remain the same and the merger is consistent with policies of the General Plan and Coastal Land Use Plan.
- C-6. Future redevelopment of the property will provide vehicular access from the alley, and the curb cuts along 32nd Street will be removed resulting in more on-street parking, consistent with General Plan and Coastal Land Use Plan policies.

Finding:

- D. Neither the lots as merged nor adjoining parcels will be deprived of legal access as a result of the merger.*

Facts in Support of Finding:

- D-1. The lots as merged will not be deprived of legal access as the merged lot will abut a street, an alley, and a beach front walk.
- D-2. No adjoining parcels will be deprived of legal access as a result of the merger. The public alleys were developed to provide vehicular access for the properties located in the area. Vehicular access to and from the subject site and adjacent properties would remain via the public alleys.

Finding:

- E. The lots as merged will be consistent with the surrounding pattern of development and will not create an excessively large lot that is not compatible with the surrounding development.*

Facts in Support of Finding:

- E-1. The proposed merger will combine the two portions of Lot 1, Block 32 of the Newport Beach Tract into a single lot consistent with the original subdivision.
- E-2. The lots as merged will be the same size and shape as nearby lots along West Ocean Front.

Finding:

F. The proposed division of land complies with requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads and property access, sanitary disposal facilities, water supply availability, environmental protection, and other applicable requirements of this title, the Zoning Code, the General Plan, and any applicable Coastal Plan or Specific Plan.

Facts in Support of Finding:

- F-1. Future improvements on the site will be required to comply with the development standards of the Municipal Code, General Plan, and Coastal Land Use Plan.
- F-2. The proposed lot merger combines the properties into a single parcel of land and does not result in the elimination of more than one lot.
- F-3. Approval of the proposed lot merger would remove the existing interior lot line, and allow the property to be used as a single site. The proposed lot would comply with all design standards and improvements required for new subdivisions by Title 19, General Plan, and Coastal Land Use Plan.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Zoning Administrator of the City of Newport Beach hereby approves Lot Merger No. LM2012-001, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective ten days after the adoption of this Resolution unless within such time an appeal is filed with the Director of Community Development in accordance with the provisions of Title 19 Subdivisions, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 24th DAY OF OCTOBER, 2012.

Brenda Wisneski, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

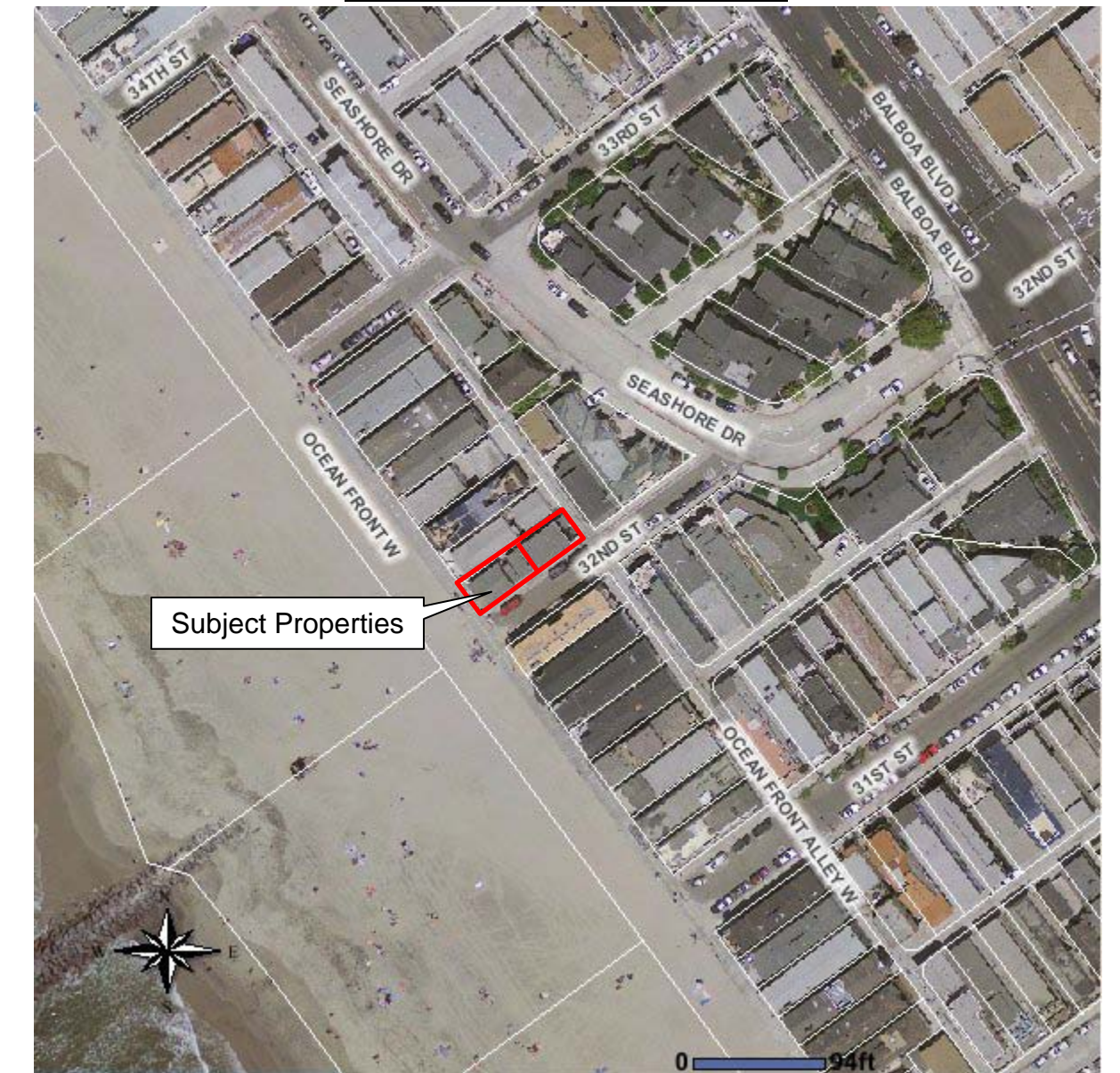
1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
2. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
3. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the property owner or the leasing agent.
4. No building permits may be issued for construction to cross the interior lot line until the appeal period has expired, unless otherwise approved by the Planning Division.
5. The applicant shall file a document, approved by the City in writing, specifying the names of the record owners of the fee interest and particularly describing the real property with a site map for recordation with the County Recorder.
6. Prior to the issuance of any building permit for construction on the property, recordation of the lot merger documents with the County Recorder shall be required.
7. All improvements shall be constructed as required by Ordinance and the Public Works Department.
8. The reconstruction of the existing broken and/or otherwise damaged concrete curb and gutter along the 32nd Street frontage shall be required.
9. The existing driveway approaches along 32nd Street shall be replaced with a new driveway plug per City Standards STD-165-L. Per Council Policy L-2, future development shall obtain garage access from the adjacent alley.
10. Each of the properties is currently serviced by an individual water meter. Any water meter to be abandoned shall be capped at corporation stop.
11. A new cleanout shall be installed on all new and existing sewer laterals. Otherwise, laterals to be abandoned shall be capped at property line.
12. An encroachment permit is required for all work activities within the public right-of-way.
13. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.

14. All on-site drainage shall comply with the latest City Water Quality requirements.
15. Lot Merger No. LM2012-001 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
16. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Rogers Lot Merger including, but not limited to, the Lot Merger No. LM2012-001. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Lot Merger No. LM2012-001
PA2012-117

3200 Ocean Front W and 105 32nd Street

Attachment No. ZA 3

Lot Merger Exhibits

EXHIBIT "A"
CITY OF NEWPORT BEACH
LOT MERGER NO. LM _____ - _____
(LEGAL DESCRIPTION)

PAGE 1 OF 3

OWNER	EXISTING PARCEL AP NUMBERS	PROPOSED PARCEL REFERENCE NUMBERS
STEVEN ROGERS PAMELA ROGERS	423-343-19 423-343-20	PARCEL 1

PARCEL 1

LOT 1, BLOCK 32 OF NEWPORT BEACH TRACT PER MAP RECORDED IN
BOOK 3, PAGE 36 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE
COUNTY, CA

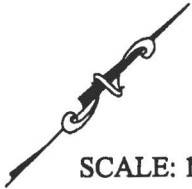


PREPARED BY: Ron Miedema
RON MIEDEMA L.S. 4653
REGISTRATION EXPIRES: 9-13-2013
DATE: 8-25-2012.

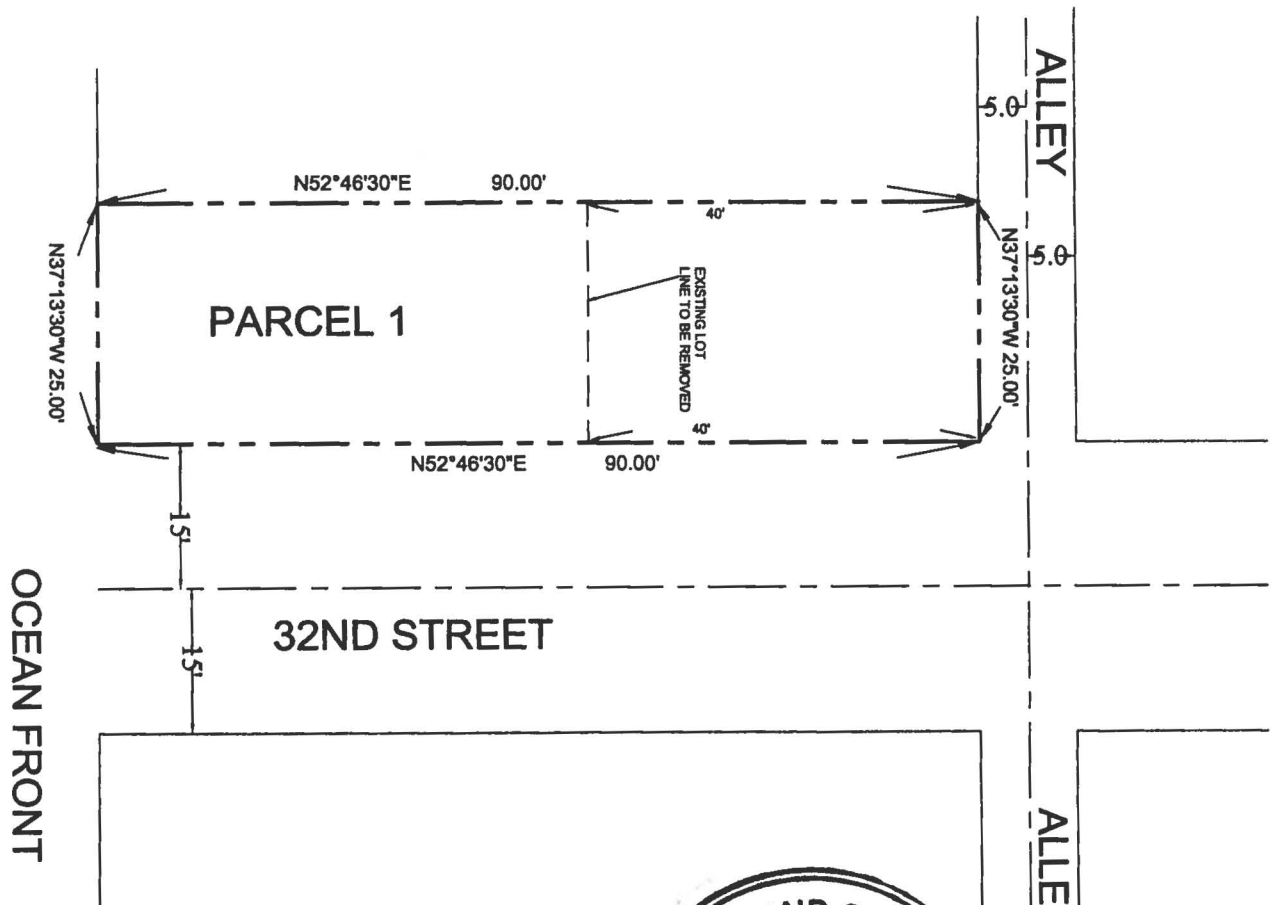
EXHIBIT "B"
CITY OF NEWPORT BEACH
LOT MERGER NO. LM _____ - _____
(MAP)

PAGE 2 OF 3

OWNER	EXISTING PARCEL AP NUMBERS	PROPOSED PARCEL REFERENCE NUMBERS
STEVEN ROGERS PAMELA ROGERS	423-343-19 423-343-20	PARCEL 1



SCALE: 1"=20'



LEGEND:

- PROPOSED PARCEL LINE
- - - - LOT LINE TO BE REMOVED
- CENTER LINE STREET
- EXISTING LOTS LINES TO REMAIN

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